

311 Montana

City of El Paso — Plan Commission — 8/23/2018



PZCR18-00003

Condition Release

STAFF CONTACT:	Morgan Hester, 915-212-1518, HesterMT@elpasotexas.gov
OWNERS:	Brixwood LLC, Respco LLC, and Jarrett Ouelette
REPRESENTATIVE:	Rida Asfahani, Root Architects
LOCATION:	311 Montana, District 8
LEGAL DESCRIPTION:	Lots 5 and 6 and a portion of Lots 4 and 7, Block 43, Harts Survey No. 9, City of El Paso, El Paso County, Texas
EXISTING ZONING:	C-2/c (Commercial/condition)
REQUEST:	A release of all conditions imposed on half of Suite B and all of Suite C by Ordinance No. 018416 dated September 22, 2015.
RELATED APPLICATIONS:	A rezoning for 311 Montana and 307 Montana/906 Stanton from C-2/c (Commercial/condition) and C-4 (Commercial) to G-MU (General – Mixed Use) (Case # PZRZ18-00024)
PUBLIC INPUT	Planning has received one letter in support of the request and no communication in opposition to the condition release request.
STAFF RECOMMENDATION:	Approval (see pages 2—4 for basis for recommendation)

SUMMARY OF REQUEST: The applicant is requesting to release all conditions imposed on half of Suite B and all of Suite C by Ordinance No. 018416 dated September 22, 2015. A related application for a rezoning has also been submitted (Case # PZRZ18-00024) for a mixed-use development.

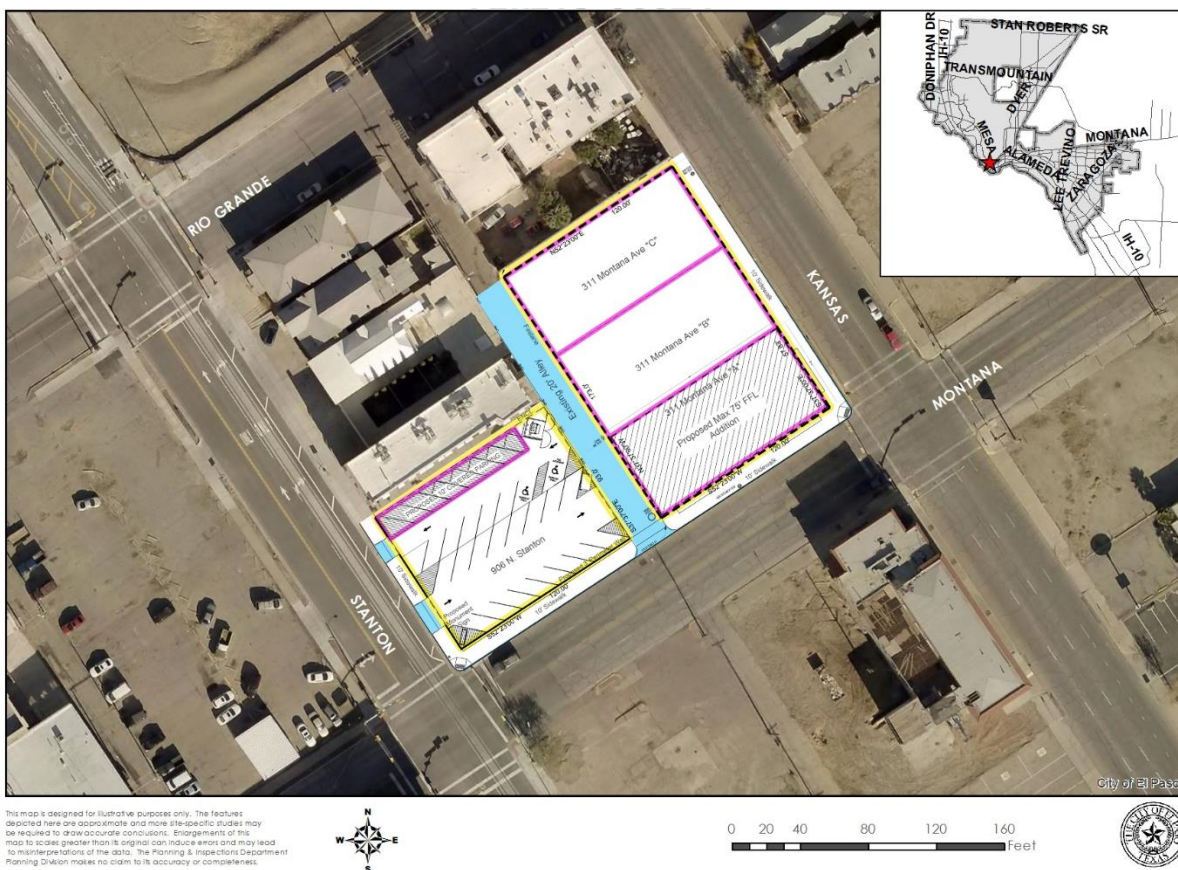
SUMMARY OF RECOMMENDATION: The Planning Division recommends **APPROVAL** of the Condition Release request of all conditions by Ordinance No. 018416 dated September 22, 2015. Staff finds they are not necessary to protect the health, safety, and general welfare of the subject property's established neighborhood and the City as a whole. The proposed development as depicted is consistent with development in the immediate area, and meets the established character of its surrounding neighborhood; compliance with the 2015 condition would require demolition of a portion of the building that was constructed in 1929. Further, the proposed development meets the intent of the G-2, Traditional Neighborhood (Walkable) land use designation of Plan El Paso, the City's Comprehensive Plan.

DESCRIPTION OF REQUEST

The applicant has submitted a Condition Release to remove all conditions imposed by Ordinance No. 018416 dated September 22, 2015 for the property located at 311 Montana through the Zoning Section of the Planning and Inspections Department. The subject property is currently required to comply with the special contract provisions imposed by Ordinance No. 018416, which states in part:

1. Bars/nightclubs, package liquor stores, tattoo parlors, convenience stores with gas pumps, commercial fueling stations, and retail tobacco stores and smoking establishments, as defined in Title 9 of the El Paso City Code, shall be prohibited.
2. A ten (10) foot wide landscaped buffer with high-profile native trees of at least two (2) inch caliper and ten (10) feet in height shall be placed at an average of thirty (30) feet on-center abutting apartment or residential zoning districts. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, shall be irrigated and maintained by the property owner at all times, and shall be installed prior to the issuance of any certificates of occupancy.

The existing building was constructed in 1929, according to the El Paso Central Appraisal District. It was built at 100% lot coverage (zero-foot setbacks), no parking, and compliance with the condition placed on a portion of the property (half of Suite B and Suite C) in 2015 would require demolition of a portion of the building. The applicant is intending to maintain the building in its entirety and create a mixed-use development.



RELATION OF PROPOSED CHANGE TO THE CITY'S COMP. PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
<p><u>G-2, Traditional Neighborhood</u> This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in Plan El Paso.</p>	<p>Yes. The existing building orientation and 100% build-out is consistent with what is typical of pre-War developments and consistent with established development in the surrounding area.</p>
ZONING DISTRICT	DOES IT COMPLY?
<p>C-2 (Commercial). As a Community Commercial District, the purpose of these districts is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.</p>	<p>Yes. The zoning district allows for commercial uses by right. The existing structure and current lot configuration meet the District's dimensional standards.</p>
POLICY	DOES IT COMPLY?
<p><u>2.4.6:</u> In non-residential and mixed-use developments, businesses and other community services on the ground floor should be strongly encouraged to be accessible directly from sidewalks along a public space, such as a street, square, paseo, or plaza, instead of accessible from a parking lot.</p>	<p>Yes. Because the building was constructed with 0' setbacks, customers and residents will be able to directly access the building from the sidewalks along Kansas Street.</p>

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The lot and existing building on the property do not meet the dimensional standards for C-2 (Commercial). Releasing the condition would not negatively affect the types of development that could occur on the subject property, but rather, would encourage more compatible development in the surrounding area.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent of the Zoning Ordinance is to protect the public health, safety, and general welfare, to regulate the use of land and buildings within zoning districts to ensure compatibility, and to protect property values. The intent of the C-2 (Commercial) District is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range

of types of commercial activity, including light automobile related uses. Releasing the conditions and allowing the proposed use will further the Zoning District's purpose.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: There are existing water mains along Kansas Street, Stanton Street, and Montana Avenue and a sanitary sewer main extending along the alley between Stanton Street and Kansas Street. All lines are available for service; the applicant will need to coordinate any permitting with El Paso Water.

EFFECT UPON THE NATURAL ENVIRONMENT: Subject property does not involve greenfield/ environmentally sensitive land or arroyo disturbance.

COMMENT FROM THE PUBLIC: Emailed notices were sent to the Houston Park Neighborhood Association and El Paso Central Business Association as the subject property falls within their boundaries on June 29, 2018. Mailed notices were sent to property owners within 300 feet of the subject property on August 8, 2018. Planning has received one letter in support of the request and no communication in opposition to the condition release request.

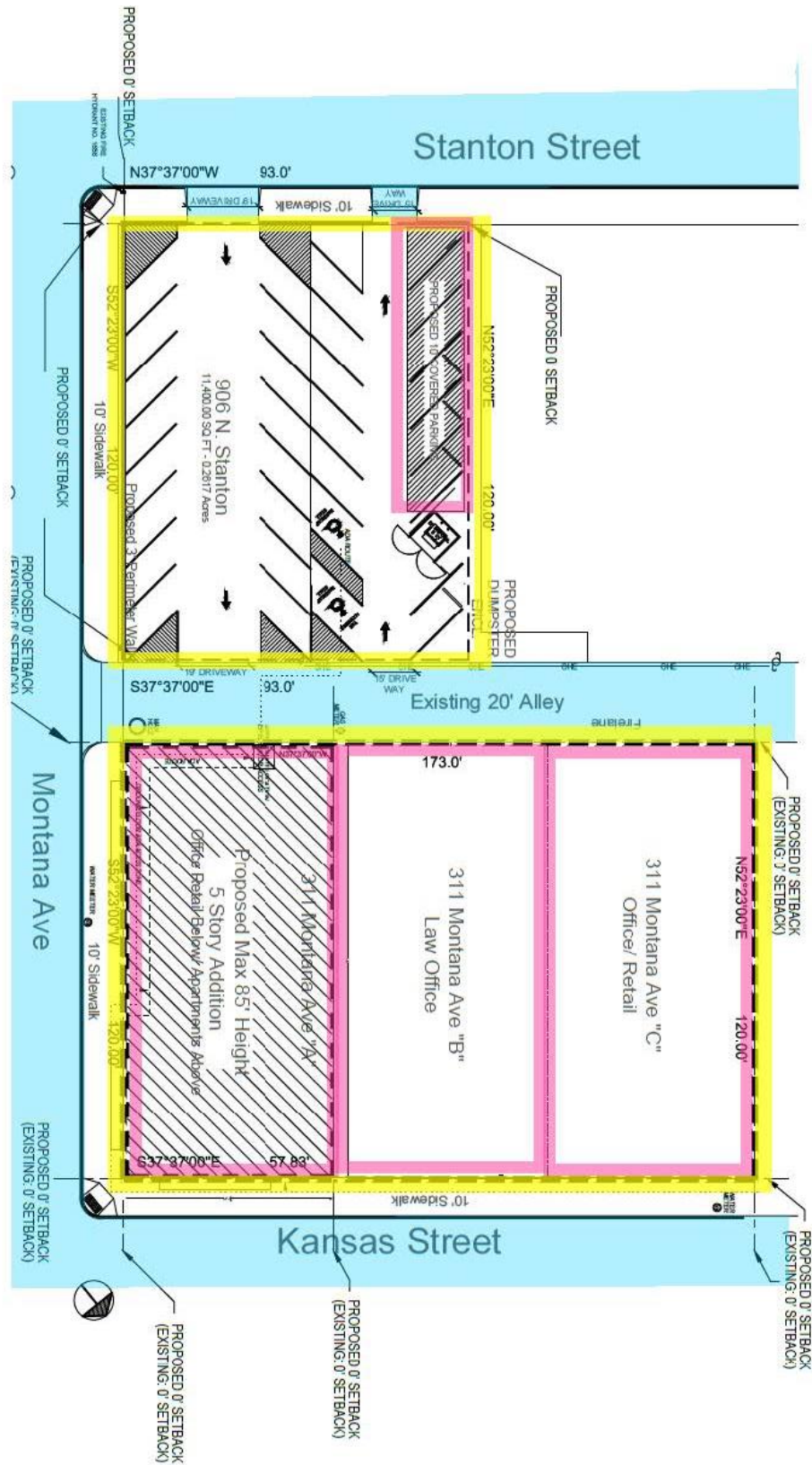
STAFF COMMENTS: No objections to proposed condition release. No reviewing departments had any negative comments. Applicant is responsible for obtaining all applicable permits and approvals prior to any construction or change in occupancy.

ATTACHMENTS:

1. Site Plan
2. Zoning Map
3. Future Land Use Map
4. Department Comments
5. Public Notification Boundary Map
6. Ordinance No. 018416 dated September 22, 2015
7. Letter in Support of Application
8. Master Zoning Plan

ATTACHMENT 1

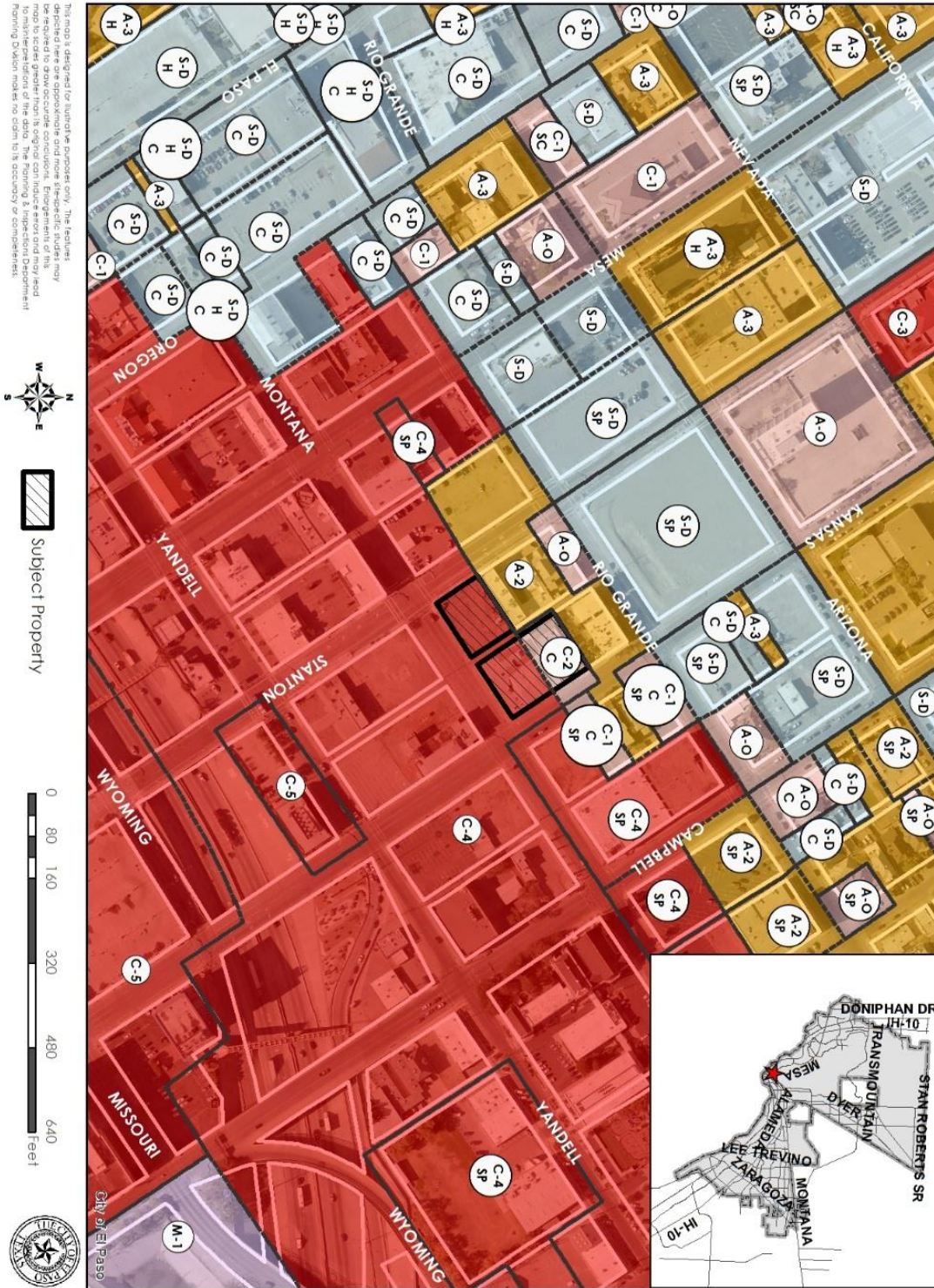
Site Plan



ATTACHMENT 2

Zoning Map

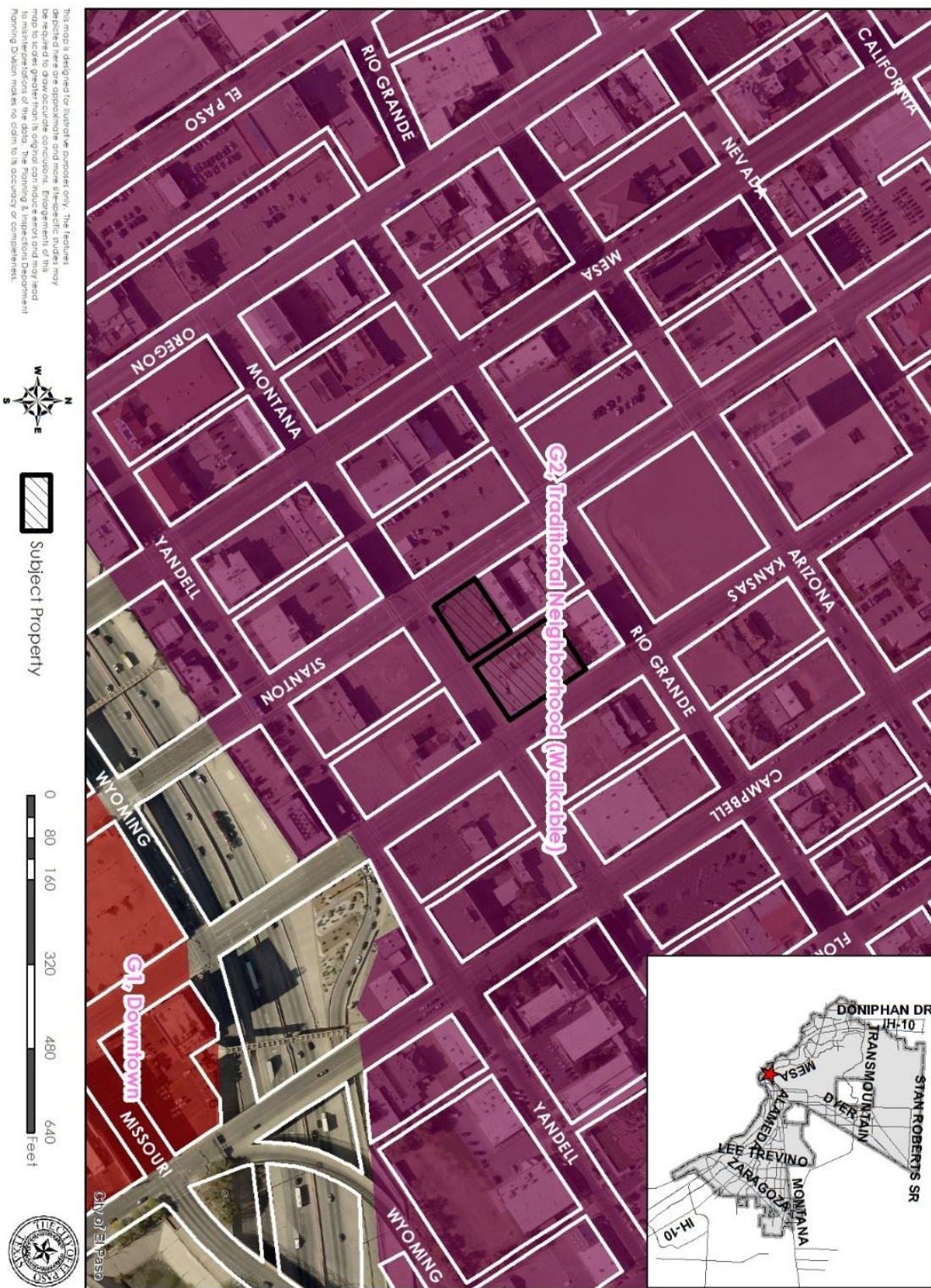
PZRC18-00003



ATTACHMENT 3

Future Land Use Map

PZCR18-00003



ATTACHMENT 4

Department Comments

Planning and Inspections Department- Planning Division

No objections to condition release.

Planning and Inspections Department - Land Development

No objections to condition release.

Sun Metro:

No objections.

Fire Department

No objections.

El Paso Water

EPWater does not object to this request:

Water

- There is an existing 6-inch diameter water main extending along the east side of Kansas Street. This water main is available for service.
- There is an existing 4-inch diameter water main extending along the north side of Montana Avenue. This water main is available for service.
- There is an existing 8-inch diameter water main extending along the east side of Stanton Street. This water main is available for service.
- EPWater records indicate one (1) 1-1/2 inch water meter serving the subject property. The service address for this meter is 915 N. Kansas Street. Also, indicate one (1) 3/4-inch water meter serving the subject property. The service address for this meter is 311 Montana Avenue.
- Previous water pressure from fire hydrant #1656 located on northeast corner of Montana Avenue and Stanton Street, has yielded a static pressure of 75 psi, a residual pressure of 58 psi, and a discharge of 888 gallons per minute.

Sanitary Sewer

- There is an existing 8-inch diameter sanitary sewer main extending along the alley between Stanton Street and Kansas Street. This sanitary sewer main is available for service.

General

- EPWater - PSB requires a new service application to provide additional service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within utility and PSB easements 24 hours a day, seven (7) days a week.

El Paso Water – Stormwater

No comments received.

Environmental Services Department

No objections.

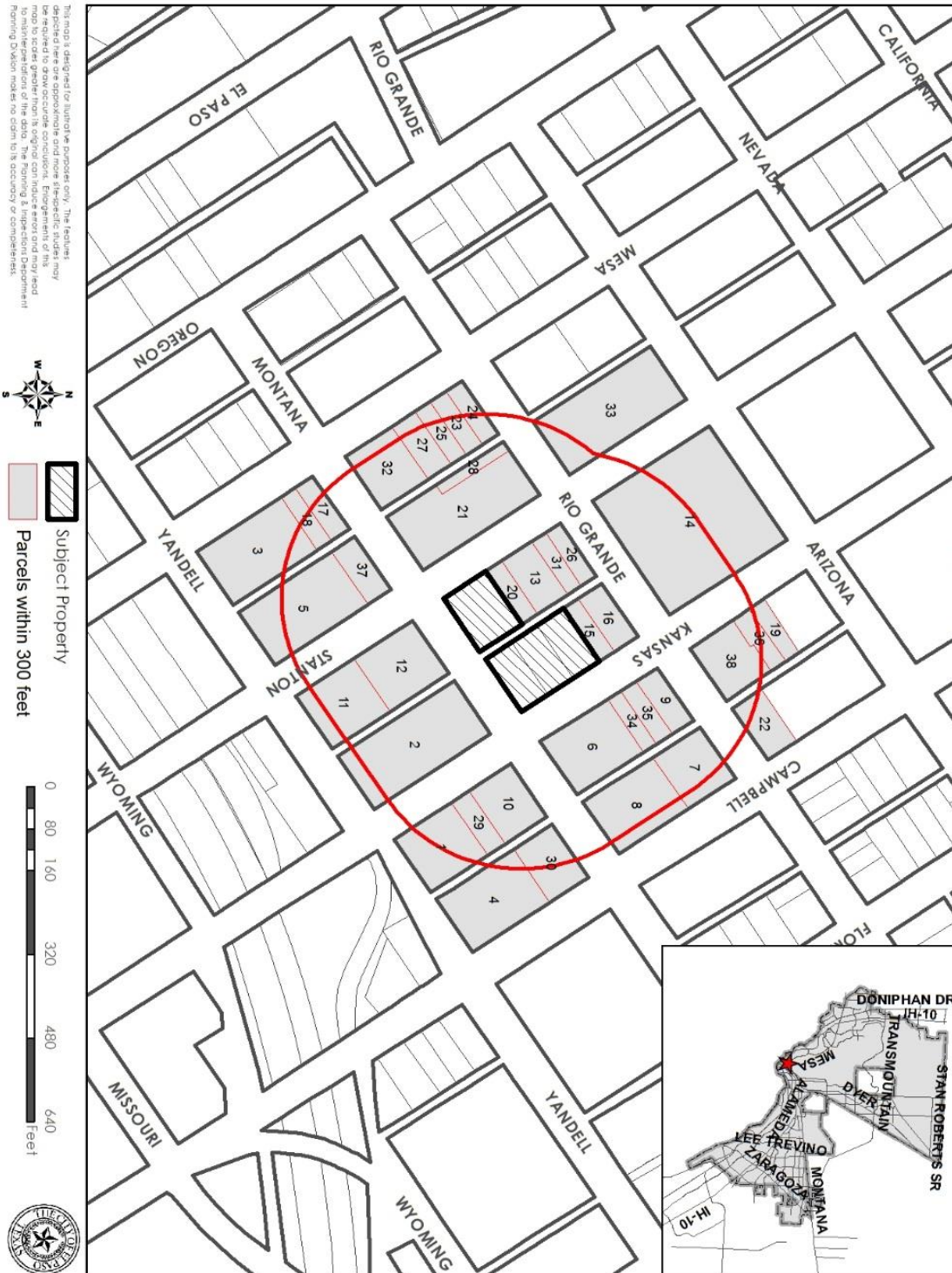
Streets and Maintenance

No objections.

ATTACHMENT 5

Notification Map

PZCR18-00003



ATTACHMENT 6

Ordinance No. 018416 dated September 22, 2015

CITY CLERK DEPT.
2015 AUG 24 PM 12:56

141

ORDINANCE NO. 018416

AN ORDINANCE CHANGING THE ZONING OF LOTS 5 AND 6 AND A PORTION OF LOTS 4 AND 7, BLOCK 43, HART'S SURVEY NO. 9, 311 MONTANA AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-2 (COMMERCIAL), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *Lots 5 and 6 and a portion of Lots 4 and 7, Block 43, Hart's Survey No. 9, 311 Montana Avenue, City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **A-2 (Apartment)** to **C-2 (Commercial)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. *Bars/nightclubs, package liquor stores, tattoo parlors, convenience stores with gas pumps, commercial fueling stations, and retail tobacco stores and smoking establishments, as defined in Title 9 of the El Paso City Code, shall be prohibited.*
2. *A ten (10) foot wide landscaped buffer with high-profile native trees of at least two (2) inch caliper and ten (10) feet in height shall be placed at an average of thirty (30) feet on center abutting apartment or residential zoning districts. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, shall be irrigated and maintained by the property owner at all times, and shall be installed prior to the issuance of any certificates of occupancy.*

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

ORDINANCE NO. 018416

Zoning Case No. PZRZ15-00007

#431544 / 15-1007-1482 / 311 Montana Avenue Rezoning Ordinance
KMN

CITY CLERK DEPT.
015 AUG 24 PM 12:56

ADOPTED this 22nd day of September, 2015.

THE CITY OF EL PASO



Oscar Leeser

Mayor

MAYOR PRO TEMPORE

ATTEST:



Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:



Larry F. Nichols, Director
Planning & Inspections Department

ORDINANCE NO. 018416

Zoning Case No. PZRZ15-00007

#431544 / 15-1007-1482 / 311 Montana Avenue Rezoning Ordinance
KMN

EXHIBIT "A"

Prepared For: Mima Properties, LLC
February 24, 2015
(A-2 TO C-4)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being Lots 5 and 6 and portion of Lots 4 and 7, Block 43, Hart's Survey No. 9, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing city monument lying 10 feet North and 10 feet East of the centerline intersection of Montana Ave. and Kansas Street. From which an existing City monument lying 10 feet north and 10 feet east of the centerline intersection of Kansas Street and Rio Grande Street bears North 37°37'00" West a distance of 330.00 feet; Thence along the monument line of Kansas Street, North 37°37'00" West a distance of 120.00 feet to a point; Thence leaving said line, South 52°23'00" West a distance of 45.00 feet to a point on the Westerly right-of-way line of Kansas Street For The "TRUE POINT OF BEGINNING";


Thence leaving said right-of-way line South 52°23'00" West a distance of 120.00 feet to a point in the easterly line of a 20 foot alley;

Thence along said line, North 37°37'00" West a distance of 79.00 feet to a point;

Thence leaving said line, North 52°23'00" East a distance of 120.00 feet to a point in the Westerly right-of-way line of Kansas Street;

Thence along said right-of-way line South 37°37'00" East a distance of 79.00 feet to the "TRUE POINT OF BEGINNING" and containing 9,480 Square Feet or 0.2176 acres of land more or less.

A drawing of even date accompanies this description.


Ron R. Conde
R.P.L.S. No. 5152
Job no: 215-10



CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283
FAX (915) 592-0286

018416

ATTACHMENT 7



August 9, 2018

City Plan Commission
c/o Planning and Inspections Department
Attn: Morgan Hester
P.O. Box 1890
El Paso, TX 79950-1890

RE: Case Number – PZRZ18-00024 & PZCR18-00003 (the “Property”)

To Whom It May Concern:

We received notice of the public hearing to consider a special permit and review a detailed site development plan for the Property. We fully support the proposed change of this Property. If you have any questions please call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert Ayoub", is written over a light blue circular stamp.

Robert Ayoub

CORPORATE OFFICE
6500 Montana Ave | El Paso, TX 79925-2129 | 915.779.6500

AUSTIN OFFICE
500 W 5th St, Ste 710 | Austin, TX 78701-3830 | 512.599.5770

Master Zoning Plan

